FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No.288l of 2006
with
Writ Petition 2884 of 2006
with
Writ Petition No.2890 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directions and Registrar's Order	Court or Judge's Order

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Mr A.S.Desai for petitioners
Mr.U P Warunjikar for respondent no.l
Mr. S.K.Chinchlikar AGP for State

CORAM; S.B.MHASE J.

DATED 28.4.2006

P.C.

. Rule returnable forthwith.

. The proceedings under section l0l of the Maharashtra Coop Societies Act l960 has been filed as against the petitioners by the respondent no.l society before the Asst Registrar of Coop Societies at Hatkanangale, District Kolhapur seeking recovery certificate for certain amount with

20% interest . It appears that after service of notice of the said proceedings, the petitioners filed an application making request that preliminary issue in respect of the limitation be framed and shall be decided first. On that application the Asst Registrar passed an order that the application can be decided at the final hearing and thus has not decided the said application. It is a summary inquiry but on the material produced on record, the issue raised by the petitioners that the claim is not within limitation has to be decided by the Registrar. Postponing the issue is likely to put the petitioners in adverse condition. Therefore, it would be proper to direct the respondent- Registrar to dispose of the said application as early as possible within the stipulated period. The Registrar is directed to decide the application filed by the petitioners on the point of limitation. The respondent society is at liberty to lead evidence after

following the procedure of summary inquiry, if desired by the respondent society on the point of limitation. It would be equally open to the petitioners to lead evidence before the Registrar. It is pertinent to mention that though the inquiry under section l0l is a summary inquiry that does not mean that the Registrar has to look only the application, account and statement of the society and issue certificate under section l0l. The Registrar shall bear in mind that the procedure in summary inquiry is required to be followed in proceedings under section l0l and same shall be followed for the purpose of deciding the preliminary point raised in the present proceedings. With these directions petitions stand disposed of. The Registrar is directed to decide the preliminary point within 4 weeks from the date of receipt of writ of this order.

(S.B.MHASE J.)